

(TO PLAINTIFF'S ATTORNEY: Please Circle Type of Action Involved: - TORT - MOTOR VEHICLE TORT - CONTRACT - EQUITABLE RELIEF - OTHER.)

# COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT  
CIVIL ACTION  
No. ESCR 04-1877-A

Falken Industries, Ltd. and Roy Janis ..... Plaintiff(s)

v.

Christian Johansen ..... Defendant(s)

## SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve upon Carlo Cellai, Esq., plaintiff's attorney, whose address is 76 Canal St., Suite 402, Boston, MA 02114, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at 36 Federal Street, Salem, MA 01970 either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WITNESS, SUZANNE V DeVECCHIO, Esquire, at Salem, the  
day of January, in the year of our Lord two thousand



Thomas H. Russell, Jr.  
Clerk

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

**PROOF OF SERVICE OF PROCESS**

I hereby certify and return that on \_\_\_\_\_, 20\_\_\_\_\_, I served a copy of the within summons, together with a copy of the complaint in this action, upon the within-named defendant, in the following manner (see Mass. R. Civ. P. 4 (d) (1-5):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_\_\_\_. \_\_\_\_\_

N.B. TO PROCESS SERVER:-

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN  
THIS BOX ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

\_\_\_\_\_ , 20\_\_\_\_\_

COMMONWEALTH OF  
MASSACHUSETTS  
ESSEX, ss.  
SUPERIOR COURT  
CIVIL ACTION  
No. \_\_\_\_\_

Plaintiff(s)  
V.  
Defendant(s)

**SUMMONS**  
(Mass. R. Civ. P. 4)

Case Name: Falken Industries v. Johansen  
 Defendant: Christian Johansen  
 Court Case No.: ESCR 04-1877-A

**CERTIFICATE  
ATTESTATION**

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,  
*L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention.*

1) that the document has been served\*

1. que la demande a été exécutée

- the (date) DEC 2 ND 2004  
 - at (place, street, number) OFFICE OF STEVEN VITALE MCSS  
101 S 8TH AUSTA PL. #, MOSS

- in one of the following methods authorised by article 5-

- dans une des formes suivantes prévues à l'article 5:

[ ] (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention\*  
 a) selon les formes légales (article 5, alinéa premier, lettre a).  
 [ ] (b) in accordance with the following particular method\*  
 b) selon la forme particulière suivante: \_\_\_\_\_

(c) by delivery to the addressee, who accepted it voluntarily.\*  
 c) par remise simple

The documents referred to in the request have been delivered to:

Les documents mentionnés dans la demande ont été remis à:

- (identity and description of person) CHRISTIAN JOHANSEN IN PERSON  
 - (identité et qualité de la personne)

- relationship to the addressee (family, business or other):

- liens de parenté, de subordination ou autres, avec le destinataire de l'acte: \_\_\_\_\_

2) that the document has not been served, by reason of the following facts\*:

2. que la demande n'a pas été exécutée, en raison des faits suivants:

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement\*.

Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.

**LIST OF DOCUMENTS:** Summary of the Documents to be Served, Complaint and Demand for Jury Trial, Summons, Translations

**Annexes**

*Annexes*

**Documents returned:**

*Pièces renvoyées:*

Done at MCSS  
 Fait à MCSS

the DEC 7th 2004

Signature and/or stamp.  
*Signature et/ou cachet.*

APPLICANT IS AUTHORIZED TO SERVE JUDICIAL PROCESS UNDER THE UNITED STATES FEDERAL RULES OF CIVIL PROCEDURE AND  
UNDER THE RULES OF CIVIL PROCEDURE OF THE STATE OF: Massachusetts

## REQUEST

### FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

#### DEMANDE

#### AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ÉTRANGER D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE

Convention on the Service abroad of judicial and extrajudicial documents in civil or  
commercial matters, signed at The Hague, November 15, 1965.

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile  
ou commerciale, signée à La Haye, le 15 Novembre 1965.

**Identity and address of the applicant**  
Identité et adresse du requérant

Blaise Tumanjong  
APS INTERNATIONAL, LTD  
APS International Plaza  
7800 Glenroy Road  
Minneapolis, Minnesota 55439-3122  
U.S.A.  
Tel. 952.831.7776 Fax: 952.831.8150  
Email: BTumanjong@CivilActionGroup.com

**Address of receiving authority**  
Adresse de l'autorité destinataire

ROYAL MINISTRY OF JUSTICE AND POLICE  
Boks 8005  
Oslo 1

Norway

The undersigned applicant has the honour to transmit -- in duplicate -- the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,

(identity and address)

Le requérant soussigné a l'honneur de faire parvenir -- en double exemplaire -- à l'autorité destinataire les documents ci-dessous énumérés, en la priant  
conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, savoir:

(identité et adresse) Christian Johansen

Mor Aafesvei 29, Moss, Norway

Tel:

(a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.\*

a) selon les formes légales (article 5, alinéa premier, lettre a).

(b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)\*:

b) selon la forme particulière suivante (article 5, alinéa premier, lettre b): By personally delivering the documents ONLY into the hands of Christian Johansen. If you are unable to effect service by this method, please proceed with service in accordance with sub-paragraph (a) above.

(c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)\*.

c) le cas échéant, par remise simple (article 5, alinéa 2).

The authority is requested to return or to have returned to the applicant a copy of the documents -- and of the annexes\* -- with a certificate as provided  
on the reverse side.

Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte -- et de ses annexes -- avec l'attestation figurant au verso.

**List of documents**

Enumeration des pièces

Complaint and Demand for Jury Trial

Summons

Translations

Summary of the Documents to be Served

Done at  
Fait à Minneapolis, Minnesota, U.S.A.

Signature and/or stamp.  
Signature et/ou cachet.



the  
le  
APS INTERNATIONAL  
APS International Plaza  
7800 Glenroy Road  
Minneapolis, MN 55439

*Blaise Tumanjong*  
(Formerly OBD-116 which was formerly LAA-116,  
both of which may still be used)

USM-94

(Est. 11/22/77)